

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

September 3, 2013

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PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Chaplain Sergeant Gazzara Hill of the Clayton County Police Department. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting item #7 (Presentation by Conley Community Residents); item #8, subsection 3 (**RFB PKG #12-17 Clayton County Fire Department EMS Supplies, Annual Contract Request for First Annual Renewal & Price Increase, First Amendment** *(with a renewal of the multi-award contract with M&M Merchandisers Medical Supply Equipment, LLC, located in Powder Springs, Georgia; PSS World Medicals, Inc., dba Physician Sales & Services, located in Jacksonville, Florida; and Quad Med, Inc., located in Jacksonville, Florida. The renewal period will be from July 1, 2013 to June 30, 2014. There will be a remaining renewal on this contract for one (1) additional one (1)-year period. The original contract was executed by the Chairman on July 1, 2012)*), as requested by Fire & EMS; two (2) requests by Renee Bright, Director of Human Resources, to amend class specifications for Fire Chief and Chief of Police; and item #17 (A Resolution authorizing the sale or other disposition of condemned vehicles from the Clayton County Sheriff's Office; to authorize the Director of Central Services to effect the sale of said vehicles as surplus items; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to authorize the disbursement of proceeds from the sale of such property; etc.). Clerk Haywood announced that an Executive Session would be held to discuss litigation and personnel matters. The agenda was adopted with the noted changes, as all commissioners had copies before them. Vote unanimous.

Commissioner Rooks asked Clerk Haywood to clarify which requests Ms. Bright was presenting.

Clerk Haywood stated that the Board had discussed removing two (2) of Ms. Bright's requests to amend the class specifications for Fire Chief and Police Chief.

Commissioner Rooks stated those were not removed by consensus, and she wanted to know how the Board would handle this matter.

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Interim County Attorney Jack Hancock stated that if it is not unanimous to remove the requests, then someone would have to make a motion to remove them from the agenda or vote on them.

Chairman Turner stated that this would be done before the adoption of the agenda.

Vice-Chairman Edmondson questioned if the Board could add by consensus and remove by consensus in Executive meetings, and if that would be a normal process.

Mr. Hancock said the code states if it is not unanimous to remove an item from the agenda, then a motion has to be made or voted on.

Vice-Chairman Edmondson asked if the process had always been that way.

Commissioner Rooks interjected it has always been by consensus.

Mr. Hancock replied that he did not have specific recollection of when something was removed when there was opposition. He was unsure if the Board had removed an item without a unanimous vote in the past, and he apologized for not informing the Board of that process.

Vice-Chairman Edmondson asked if an item can be added by consensus even if it is not a unanimous consensus when amending the agenda in the pre-meetings.

Mr. Hancock stated that the item would have to be voted on in the Regular Business meeting to have a formal vote.

Commissioner Rooks interjected that the requests will be moved anyway.

Chairman Turner interjected that they will be removed by a unanimous vote.

4. Approved the August 20, 2013 Regular Business Meeting minutes. Vote unanimous.

5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

1) Janice Kocheval, an employee of the Fire Department in Forest Park, Georgia, came before the Board to express concerns regarding the amendment of class specifications for the Fire Chief of Clayton County. Ms. Kocheval stated that she has watched the Clayton County Fire Department deteriorate because of the previous administration's methods. She was embarrassed that Clayton

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County would lower its qualification standards to hire a Fire Chief when the County already has an Interim Fire Chief who is qualified with years of experience, has a degree, and supports the men and women of the Fire Department. Ms. Kocheval asked the Board to make the right decision in hiring the Fire Chief of Clayton County.

2) Johnny Washington, a Clayton County resident, voiced his concerns regarding transit in Clayton County. Mr. Washington emphasized that transit in Clayton County will improve the economy and create jobs, while alleviating citizen's concerns related to reliability and accessibility. He stressed the advantages that transit has to offer and called for changes in the community to make it more livable for Clayton County citizens. Since transit has stopped, it has affected Clayton County citizens and made it impossible for some residents to get to work. Mr. Washington concluded that the Board should wisely consider bringing back transit to Clayton County which is essential for the county's health and prosperity.

3) Jeffery Benoit concurred with Janice Kocheval's comments on Clayton County's search for a Fire Chief. Mr. Benoit stated Clayton County does not need low morale and disgruntled employees as its first responders for Clayton County citizens. He stressed that he is a stakeholder in this county and has received reports of complaints from the Ethical Act about concerns and morale of the Clayton County Fire Department. Mr. Benoit emphasized that the Board should cautiously consider who it would position as Fire Chief and one who is about bringing new vision to the Fire Department. He concluded that when choosing a Fire Chief for Clayton County, the Board should consider the taxpayers, Clayton County citizens and the first responders who put their lives at risk every day for the county.

6. PROCLAMATION: "Clayton County Recognizes September 2013 as National Preparedness Month" (presented by Chairman Jeffrey E. Turner). [NOTE: Group photos were taken of the honorees and Board. Clerk Haywood read the proclamation for the benefit of the honorees, Board, and audience.]

7. Theodis Locke, Director of Central Services/Risk Management, presented three (3) items that resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved a Request to Sell County Surplus Items by utilizing the County's contract with

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GovDeals.com. The List of Items is as follows:

- Lot #171 72 Library Metal Shelving
- Lot #172 74 Computer Towers without Hard Drives
- Lot #173 87 Printers, 1 Fax, 1 Scanner and 1 Litebox
- Lot #174 14 File Cabinets
- Lot #175 14 File Cabinets
- Lot #176 14 File Cabinets
- Lot #177 14 File Cabinets
- Lot #178 151 Boxes of Rush 12 FR Flexi-Slip E.T. Stylets
- Lot #182 11 Traffic Signal Control Cabinets
- Lot #183 31 Rust Color Cloth Wood Guest Chairs
- Lot #184 6 Adult and 15 Child Wire Chairs and 1 Wood Table
- Lot #185 10 Vacuums, 2 Buffers and 1 Carpet Cleaner
- Lot #186 Surveillance Cameras, Radios, TV's, Etc.
- Lot #187 25 Computer Towers without Hard Drives and 4 Printers
- Lot #188 94 Each Pedestrian LED Signals
- Lot #189 48 Each Pedestrian LED Signals
- Lot #190 58 Each Pedestrian LED Signals
- Lot #191 50 Each Pedestrian LED Signals
- Lot #192 46 Each Pedestrian LED Signals; and
- Lot #193 42 Each Pedestrian LED Signals

Vote unanimous.

2) Approved **Fire Department, Stallion Air Stationary Three Position Containment Fill Station, Sole Source Purchase** (POR #00010021; \$12,754.00 – Vitco Firefighting and Safety

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Products, located in Macon, Georgia. Funding is available through the Fire Department Funds), as requested by Fire & EMS. Per Section 2-136 (7) of the Clayton County Purchasing Ordinance, Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The purchasing agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

8. Ramona Thurman, Chief Financial Officer, presented twenty-three (23) Budget Amendments which resulted in the following Board actions.

1) Approved Budget Amendment #-2-74 – Finance-Mail Room/FYE 6-30-13 – to transfer funds, in the amount of \$3.00, to cover the cost of additional wages and benefits. Vote unanimous.

2) Approved Budget Amendment #2-75 – Fire Fund/FYE 6-30-13 – to transfer funds, in the amount of \$64,622.00, to cover the cost of additional wages, utilities, and tax commission expenses. Vote unanimous.

3) Approved Budget Amendment #2-76 – Hotel/Motel Tax Fund/FYE 6-30-13 – to transfer funds, in the amount of \$32,245.00, to cover the cost of additional salary expense. Vote unanimous.

4) Approved Budget Amendment #2-77 – Tourism Fund 5% Hotel/Motel Tax/FYE 6-30-13 – to transfer funds, in the amount of \$1,827.00, to appropriate funds to cover an additional Operating Transfer to the Debt Service Fund. Vote unanimous.

5) Approved Budget Amendment #2-78 – Professional Services/FYE 6-30-13 – to cover additional fees, claims, and supplies in the amount of \$1,444,404.00. Vote unanimous.

6) Approved Budget Amendment #2-79 – Alternative Dispute Resolution/FYE 6-30-13 – to transfer funds, in the amount of \$72.00, to cover an additional salary expense. Vote unanimous.

7) Approved Budget Amendment #2-80 – Victim Assistance Fund/FYE 6-30-13 – to transfer funds, in the amount of \$9,858.00, to cover additional benefit costs. Vote unanimous.

8) Approved Budget Amendment #2-81 – Law Library/FYE 6-30-13 – to transfer funds, in

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the amount of \$96.00, to cover additional dues and subscription fees. Vote unanimous.

9) Approved Budget Amendment #2-82 – Registrar/FYE 6-30-13 – to cover additional wages and benefits in the amount of \$14,072.00. Vote unanimous.

10) Approved Budget Amendment #2-83 – Health Department Fund/FYE 6-30-13 – to appropriate funds, in the amount of \$17,533.00, to provide for retainage expenses. Vote unanimous.

11) Approved Budget Amendment #2-85 – State Court/FYE 6-30-13 – to cover additional wages and fees in the amount of \$39,830.00. Vote unanimous.

12) Approved Budget Amendment #2-86 – Probate Court/FYE 6-30-13 – to cover additional wages, overtime, insurance, equipment and fees in the amount of \$19,088.00. Vote unanimous.

13) Approved Budget Amendment #2-87 – Street Light Fund/FYE 6-30-13 – to provide for additional electric utility costs in the amount of \$302,464.00. Vote unanimous.

14) Approved Budget Amendment #2-88 – State Adult Probation/FYE 6-30-13 – to cover additional wages and supplies in the amount of \$108.00. Vote unanimous.

15) Approved Budget Amendment #2-90 – Police Department/FYE 6-30-13 – to cover additional wages, overtime, benefits, utilities, fees, rental cost, supplies, telephone and travel expenses in the amount of \$260,702.00. Vote unanimous.

16) Approved Budget Amendment #2-91 – Planning & Zoning/FYE 6-30-13 – to cover additional wages in the amount of \$9,034.00. Vote unanimous.

17) Approved Budget Amendment #2-92 – Library/FYE 6-30-13 – to cover additional wages, benefits, and utilities in the amount of \$50,775.00. Vote unanimous.

18) Approved Budget Amendment #2-93 – Senior Services/FYE 6-30-13 – to cover additional wages, overtime, benefits, fees, supplies and travel expenses in the amount of \$43,236.00. Vote unanimous.

19) Approved Budget Amendment #2-94 – Tax Allocation District – Northwest Clayton/FYE 6-30-13 – to appropriate funds, in the amount of \$699,450.00, to establish for the

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Mountain View Tax Allocation District (TAD). Vote unanimous.

20) Approved Budget Amendment #2-95 – Building and Maintenance/FYE 6-30-13 – to cover additional wages in the amount of \$21,303.00. Vote unanimous.

21) Approved Budget Amendment #2-11 – Other General Government/FYE 6-30-14 – to replace three (3) Police vehicles damaged in accidents, in the amount of \$100,000.00. Vote unanimous.

22) Approved Budget Amendment #2-12 – Other General Government/FYE 6-30-14 – to appropriate funds, in the amount of \$97,710.00, for the Mosquito Spraying Program. Vote unanimous.

23) Approved Budget Amendment #4-14 – Fund 307 – 2009 SPLOST Projects/FYE 6-30-14 – to amend the budget, in the amount of \$80,000.00, for the Lake Ridge Parkway and Pointe South Parkway sidewalk projects (for right-of-way acquisition services). Vote unanimous.

9. Renee Bright, Director of Human Resources presented one (1) request which resulted in the following Board action.

1) The Board denied a request to delete the Constituent Services Manager position and add a Broadcast and Communications Manager position. The Broadcast and Communications Manager's primary duties would include implementing communication strategies that are accessible to Clayton County citizens. This position would maintain the same pay grade with more structured job responsibilities with accountability metrics. The motion failed to pass by a 3-2 vote. Vice-Chairman Edmondson, Commissioner Singleton, and Commissioner Hambrick opposed.

For clarification, Commissioner Rooks asked if the elimination of the Constituent Services Manager's position responsibilities would now fall under the Office Manager.

Ms. Bright replied yes, only as they are related to the Constituent Services Manager position.

Commissioner Singleton asked Arrelle Anderson, Chief Operating Officer, if there were some additional responsibilities for the Office Manager.

Chairman Turner asked Ms. Anderson to come before the Board to name the additional duties.

Ms. Anderson stated the following three (3) additional duties for the Office Manager:

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- Develop monthly reports that summarize constituent concerns and resolved issues and submit to the Chief Operating Officer for review by the Chairman and Board of Commissioners.
- Serve as the primary back-up in the absence of an Administrative Secretary. Create a front desk coverage calendar, as required, to ensure 100% coverage of Administrative Secretary duties in the entrance area of 112 Smith Street.
- Develop and manage the county's customer service program, to include developing the standards for tracking and monitoring metrics that are necessary for improving customer services across the county.

To clarify matters, Commissioner Rooks asked if these duties were for the Office Manager.

Ms. Anderson replied yes.

Commissioner Hambrick stated she did not have a concern with the name change, but she did have a concern with the Constituent Aides reporting to the Office Manager. She asked if that could be separated or taken off.

Commissioner Singleton agreed and stated the Constituent Aides were hired to report to the individual commissioner. As far as reporting or any reports being submitted, they should be to the individual commissioner.

Commissioner Rooks asked Ms. Anderson if the reporting she had referred to was only for the Office Manager to compile complaints into a report submitted by the Constituent Aides.

Ms. Anderson stated that the Constituent Aide will submit a summary of constituent complaints and resolved issues to the Office Manager for the Constituent Services Monthly report. The Constituent Aide will also track comp attendance log, submit leave requests for Office Manager review and approval, and report to the Board of Commissioners' Office Manager for daily operational functions and payroll needs.

Commissioner Rooks questioned if that were something that was done with the Constituent Services Manager.

Ms. Anderson replied yes.

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Commissioner Singleton rebutted that it was not all of it.

Commissioners Rooks asked if the Board were changing the person for whom the Constituent Aides perform services.

Ms. Anderson said the Board is changing who they submit the actual reports to and the payroll functions as well.

Instead of reporting to the Constituent Services Manager, Commissioner Rooks asked if the Constituent Aides will be reporting to the Office Manager. She surmised that the requirements of the Constituent Aides who are supervised have not changed, just the Office Manager.

Ms. Anderson replied who they report to has changed as well as to whom they submit the summary complaints.

Commissioner Rooks asked if they were not doing that anyway.

Chairman Turner answered no, basically the Board had a Constituent Services Manager who was not a manager. Moving the reporting to the Office Manager is for accountability due to the commissioners being part-time. He stated that what he is hearing the Board say was that the full-time employees (Constituent Aides) will be here with no supervision.

Commissioner Singleton commented that even though commissioners are part-time in name, they all probably have worked more as a Commissioner than on their regular jobs. The commissioners have proven over the years that they are very much in touch with the Constituent Aides and what is being done, and also responding to Clayton County citizens that they serve. Now, it appears that the commissioners have to report to the Office Manager to find out what their Constituent Aides are doing.

Chairman Turner rebutted it does not state that.

From a county perspective, Ms. Anderson stated that the original class specifications for Constituent Aide read, ***Receives and responds to inquiries and concerns through telephone, email, and personal contact on behalf of the district Commissioner.*** She concluded the county wanted to make it official by taking this information and compiling it into a report to reflect how the county is moving forward.

Commissioner Singleton stressed that this does not reflect even half of the constituent calls and

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complaints that come through the office. She was not happy and did not agree with this change. Commissioner Singleton added that each commissioner had an opportunity to hire a Constituent Aide to go out when needed, especially on some evenings and weekends.

Chairman Turner emphasized that commissioners will still be able to regulate their Constituent Aides. At some point there still needs to be accountability for full-time employees because taxpayers of Clayton County are paying their salary.

Vice-Chairman Edmondson stated this issue has come up in the past and he was uncertain about the chain of command supervision. Currently, it is a hybrid situation where day-to-day supervision is by the Constituent Services Manager. He questioned if the hiring, firing, and disciplining fall under the commissioner.

Mr. Hancock affirmed that these activities cannot be done without the consent of the individual commissioner. The day-to-day activities are not exclusively regulated by the Constituent Services Manager, but the commissioner. He agreed with Vice-Chairman Edmondson that it is a hybrid situation.

Vice-Chairman Edmondson understood that the proposal is to take the existing model and its hybrid capacity and move it to the Office Manager. He stated if that is the case, it seems there are two layers of management. Vice-Chairman Edmondson stated there would be a conflict if he instructed his Constituent Aide to do something and the Office Manager instructed the Constituent Aide to do something else. In this situation, he wondered who the tie-breaker would be.

Chairman Turner interjected there would be no tie-breaker; the commissioner is in charge.

After a lengthy discussion, the Board made a motion to deny this request by a 3-2 vote in opposition.

10. Approved Ordinance 2013-219, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically Chapter 94 "Traffic and Vehicles," Section 101 "Maximum Speed Limits; Authorized Use of Speed Detection Devices; Application for Permits to Use Detection Devices"; to set for the reasonable and safe maximum vehicle speed limits on all highways, streets and roads located in Clayton County, Georgia, under the jurisdiction of the Commissioner of Public Safety or Commissioner of Transportation for the State of Georgia; to authorize the use of speed detection devices by the Clayton County Police Department and other law enforcement authorities as deemed necessary to effectuate the orderly flow of traffic and for the safety and welfare of the public; to

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authorize the submission of an application to the Department of Public Safety for a permit to use such detection devices within the unincorporated areas of Clayton County; to provide for the repeal of conflicting ordinances and laws relating thereto; to provide for severability; to provide an effective date of the ordinance; and for other purposes. Vote unanimous.

11. Denied Resolution 2013-220, a Resolution to amend Resolution No. 2013-47 providing for the general oversight of Constituent Aides in the Office of the Board of Commissioners; to repeal conflicting resolutions; to provide an effective date of this resolution; and for other purposes. The motion failed to pass by a 3-2 vote. Vice-Chairman Edmondson, Commissioner Singleton, and Commissioner Hambrick opposed.

12. Approved Resolution 2013-221, a Resolution to provide for the adoption and submission to the U.S. Department of Housing and Urban Development of the Clayton County PY2012 – PY2013 Consolidated Annual Performance Evaluation Report (CAPER); to authorize the Chairman to execute any documents required to submit and implement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

13. Approved Resolution 2013-222, a Resolution authorizing the Clayton County Board of Commissioners, on behalf of the Clayton County Juvenile Court, to accept Juvenile Justice Incentive Grant Funding to enhance current court services for high-risk youth and to enter into a Subrecipient Agreement with Southwest Key, Family and Transportation Services, LLC to provide the services outlined in the grant agreement; to authorize the Chairman to execute the grant agreement and otherwise perform all other acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

14. Approved Resolution 2013-223, a Resolution authorizing Clayton County, on behalf of the Clayton County Parks and Recreation Department, to grant a Special Facility Use Request to allow State Senator Gail Davenport to host a Family Day Celebration for Clayton County citizens at the South Clayton Recreation Center; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

15. Approved Resolution 2013-224, a Resolution authorizing Clayton County to accept two forfeited vehicles from a Clayton County Police Department drug investigation; to authorize the sale of such property in a manner as will be in the best interest of the County; to provide for the disbursal of such proceeds; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an

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appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2013-226, a Resolution authorizing Clayton County to exercise its powers of Eminent Domain in accordance with provisions of Georgia Laws for the purpose of acquiring certain properties for use by the Clayton County Department of Transportation and Development for the Flint River Road Widening Improvement Project; to authorize the Chairman to execute any documents relating thereto, and to otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2013-227, a Resolution authorizing Clayton County to enter into Amendment No. 1 to the Agreement for Misdemeanor Probation Supervision Services and Management Systems for the Superior, State and Magistrate Courts of Clayton County; to authorize the Chairman to execute the Amendment together with any documents necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

18. Motion by Commissioner Rooks, second by Chairman Turner, to appoint Frances Solomon of Riverdale, Georgia to the Board of Appeals. The term of Wayne Clarke expired on February 11, 2011 with no Board action. New term will be for three (3) years. The motion carried 4-1. Commissioner Singleton opposed.

Interim County Attorney Jack Hancock requested an Executive Session to discuss litigation and personnel matters. The Board generally consented to have an Executive Session for the aforementioned reasons.

19. Motion by Chairman Turner, second by Commissioner Rooks, to reappoint Brenda Norwood to the Zoning Advisory Group (ZAG). The term of Brenda Norwood expired on August 19, 2013. New term is for three (3) years, expiring on August 19, 2016. Vote unanimous.

Motion by Commissioner Singleton, second by Chairman Turner, to reappoint Michelle Mayorga to the Zoning Advisory Group (ZAG). The term of Michelle Mayorga expired on August 19, 2013. New term is for three (3) years, expiring on August 19, 2016. Vote unanimous.

Motion by Commissioner Rooks, second by Chairman Turner, to reappoint Jacqueline Peoples to the Zoning Advisory Group (ZAG). The term of Jacqueline Peoples expired on August 19, 2012 with no

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Board action. Her term will expire on August 19, 2015 to fulfill the rest of her three (3)-year term. Vote unanimous.

Motion by Chairman Turner, second by Commissioner Singleton, to go into Executive Session in the Commissioner's Conference Room at 7:57 p.m. to discuss litigation and personnel matters. The motion carried 4-1. Commissioner Rooks opposed.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to go out of Executive Session at 8:46 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Chairman Turner, to reconvene the Regular Business Meeting in the Commissioner's Boardroom at 8:47 p.m. Vote unanimous.

Mr. Hancock presented to the Board a request to settle an accident case involving Susan H. Peterson (against the county) for the mediated amount of \$310,000.00. His request resulted in the following Board action.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to approve the aforementioned settlement. Vote unanimous.

There being no further business to discuss, motion by Commissioner Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of September 3, 2013 at 8:48 p.m. Vote unanimous.